

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARCEL RIDDLE BEY,

Petitioner,

v.

CASE NO. 02-CV-74202

HONORABLE DENISE PAGE HOOD

MARY BERGHUIS,

Respondent.

**OPINION AND ORDER DENYING PETITION FOR CERTIFICATE OF
APPEALABILITY AND APPLICATION TO PROCEED IN FORMA PAUPERIS**

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This matter is before the Court on Petitioner's Request for Certificate of Appealability and Application to Proceed in Forma Pauperis on Appeal, filed November 15, 2006. On May 30, 2003, the Court filed an Opinion and Order and entered a Judgment Denying Petitioner's Application for Writ of Habeas Corpus. On August 29, 2003 the Court denied the Petitioner's Motion for Certificate of Appealability. The Sixth Circuit Court of Appeals denied the Petitioner's Request for Certificate of Appealability on February 25, 2004. On September 21, 2004 the Court denied as moot Petitioner's Motion for Leave to Amend Notice of Appeal. On December 21, 2004 the Sixth Circuit Court of Appeals denied Petitioner's Petition for Writ of Mandamus. On June 28, 2005 the Court denied Petitioner's Request for Assignment of Jurisdiction. Petitioner filed a second Request for Certificate of Appealability on August 9, 2005, which was denied on September 21, 2005. On October 11, 2005, Petitioner filed an Application to Proceed in Forma Pauperis and a Motion for Appointment of Counsel on Appeal, which were denied on December 16, 2005. The Sixth Circuit Court of Appeals denied the Petitioner's Request for Certificate of Appealability on June 19, 2006. On September 27, 2006, Petitioner filed a Motion for Relief from Judgment, which was denied on

October 30, 2006.

The Court denies the Petitioner's third Request of Certificate of Appealability for the same reasons stated in the Court's August 29, 2003 and September 21, 2005 Orders denying Petitioner's Motions for Certificate of Appealability and Motions to proceed in Forma Pauperis.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Application for Certificate of Appealability [Docket No. 62, filed November 15, 2006] is **DENIED**. A Certificate of Appealability will NOT issue in this case.

IT IS FURTHER ORDERED that Petitioner's Application to Proceed in Forma Pauperis [Docket No. 63, Filed November 15, 2006] is **DENIED**.

s/ DENISE PAGE HOOD
DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

DATED: January 29, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 29, 2007, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager